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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,610	10/22/2003	David Theiler	T0803.0002/P002	4815
24998	7590	11/06/2006	EXAMINER	
DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			TARAE, CATHERINE MICHELLE	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/689,610

Applicant(s)

THEILER, DAVID

Examiner

C. Michelle Tarae

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The following is a Non-Final Office Action in response to the communications received on August 3, 2006.

Claims 1, 8 and 12 have been amended. Claim 21 has been canceled. Claim 22 has been added. Claims 1-20 and 22 are now pending in this application.

### ***Response to Amendment***

2. Applicant's amendments to claims 1, 8 and 12, cancellation of claim 21 and addition of claim 22 are acknowledged.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-20 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1, 8, 12 and 22 recite that the workflow process management application uses reports to automatically generate *subsequent worker assignments* without further interaction of the user. Using the phrase, *subsequent worker assignments*, implies that a first or initial group of worker assignments were already generated. However, nowhere in the claims in the preceding limitations, is it recited that a first or initial step of generating worker assignments is performed;

therefore, raising the question, "subsequent to what?" For examination purposes, Examiner is interpreting the phrase, subsequent worker assignments, to mean any worker assignments in no particular order.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 6-14 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Miller et al. (U.S. 7,035,809).

As per claims 1 and 12, Miller et al. discloses a method and apparatus for creating a workflow process management application suitable for an organization, comprising:

(a) creating on a computer system, a plurality of department objects; (b) creating, on said computer system, a plurality of resource objects, each resource object being associated with at least one of said department objects and a production resource of said organization; (c) creating, on said computer system, a plurality of activity objects, each activity object being associated with at least one of said department objects and an activity of said organization; and (d) after steps (a), (b), and (c), and responsive to a

command, automatically generating, by said computer system, said workflow process management application from said department objects, resource objects, and activity objects (col. 5, lines 6-19; col. 6, lines 52-65; col. 20, lines 24-28; col. 27, lines 28-40; col. 59, lines 34-53; Figure 11A; A user creates resources and tasks (i.e., activities) for a defined organization through templates. Upon receipt of the resource, task and organizational structure input, the system then automatically produces a plan for the organization. An organization may be a department as the disclosure of the instant application defines a department as an entity that exists to perform a set of core functions.);

wherein said workflow process management application, when executed by said computer, permits a user to enter, for each department, a workflow plan for said department, receive a workflow performed by departments of said organization, create reports comparing said workflow plan with said workflow performed (col. 7, lines 56-62; col. 8, lines 29-42; Various status reports for project plans are generated, where the reports provide a measure of planned work versus actual work performed for the organization involved with the project.);

said workflow process management application using said report to automatically generate subsequent worker assignments without further interaction with the user (col. 6, lines 16-21 and 44-50; col. 7, lines 60-67; col. 8, lines 39-53; Based on the content of the status reports, worker/task assignments may be added, updated or removed so as to rectify any discrepancies or identified risks as a result of the comparison of the planned versus actual work performed. The system discloses creating task-level project

plans where critical paths and dependencies are defined and managed within Microsoft Project. It is known in Microsoft Project that when task dependencies are created, when a parent task is started early or delayed, the dependent child tasks are automatically changed without further interaction from the user. Thus, once critical paths and task dependencies are identified and inputted into Microsoft Project, the automatic generation of worker assignments (i.e., tasks) without further interaction from the user is enabled.);

wherein said workflow plan comprises a plurality of standards, each one of said standards inter-relating at least one activity object with at least one resource object as a function of time and skill (col. 6, lines 38-59; col. 24, lines 35-45; The project plan identifies the human resources needed based on the project requirements (i.e., standards), where the human resources must be suitable for the task by having the required skills and time availability.).

As per claims 2 and 13, Miller et al. discloses the method and apparatus of claims 1 and 12, wherein in said workflow process management application, said user enters a workflow plan by creating relationships between said resource and activity objects for each department (col. 20, lines 9-17; A user may create an organizational structure, which defines the relationships between resources and jobs (i.e., activities).).

As per claims 3 and 14, Miller et al. discloses the method and apparatus of claims 1 and 12, wherein said plurality of activity objects comprise a plurality of fixed activity objects and variable activity objects (col. 6, lines 15-21; col. 8, lines 44-52;

Critical paths are defined for project/work plans, where critical paths represent fixed activities. All other activities may be changed, and are thus, variable activities.).

As per claim 4, Miller et al. discloses the method of claim 1, further comprising:  
selecting from a group of templates, a selected template and after said selecting, automatically creating a plurality of department, resource, and activity objects associated with said selected template (col. 5, lines 6-19; col. 17, lines 55-67; col. 21, lines 36-43; col. 27, lines 28-40; col. 59, lines 34-53; A user may select from a group of templates such as project, process and training templates. After input is received through the templates, department, resource and task (i.e., activity) objects are automatically created.).

As per claim 6, Miller et al. discloses the method of claim 1, further comprising:  
creating, on said computer system, a plurality of objects related to groups, locations, and acuties, wherein said set of objects further comprises said plurality of objects related to groups, locations, and acuties (col. 20, lines 4-30; A user may create objects relating to roles, jobs, teams and organizational structures that identify the knowledge, skills and attributes relating to those objects as well as the relationship between those objects.).

As per claim 7, Miller et al. discloses the method of claim 6, wherein in said workflow process management application, said user enters a workflow plan by creating relationships between said resource objects, activity objects, and objects related to groups, locations, and acuties (col. 20, lines 4-30; A user may create objects relating to

roles, jobs, teams and organizational structures that identify the knowledge, skills and attributes relating to those objects as well as the relationship between those objects.).

As per claims 8-11, Miller et al. discloses a computer readable medium, comprising similar steps as recited and analyzed above for claims 1-4, 6-7 and 12. Additionally, Miller et al. discloses that the workflow application builder is web based (col. 59, line 63-60, line 7; Figure 11B, where users may access the templates remotely via the Internet).

As per claim 22, claim 22 recites limitations already rejected above in claims 1-4, 6-7 and 12. Therefore, claim 22 is rejected on the same basis as claims 1-4, 6-7 and 12.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (U.S. 7,035,809) as applied above.

As per claim 5, Miller et al. discloses the method of claim 4, as discussed above. Miller et al. does not expressly disclose the workflow management application being used for a hospital. However, the claimed invention indicating the workflow



management application being used for a hospital is mere intended use. That the workflow management application is to be used in a hospital is irrelevant since the intended field of use does not change the overall functionality of the system. The intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Accordingly, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the workflow management application of Miller et al. for managing the workflow of a hospital because Miller et al. creates workflow processes by creating objects, where the objects can represent any type of organizational structure and resource, thus providing a flexible system for managing the workflow of various types of organizations, including hospitals.

9. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (U.S. 7,035,809) as applied above and Flores et al. (U.S. 5,734,837).

As per claim 15, while Miller et al. discloses the use of well-known Windows-based applications such as Microsoft Project and Microsoft Workbench (col. 6, lines 16-21) for its work management processes, Miller et al. does not expressly disclose displaying a page in a user interface, said page comprising: a logo region, a menu region, including at least one menu item, a navigation region and a context sensitive area. However, Flores et al. discloses displaying a page in a user interface, said page comprising: a logo region, a menu region, including at least one menu item, a navigation region and a context sensitive area (col. 7, lines 49-66; col. 26, lines 56-59; col. 27,

lines 3-15; The GUI displays a page that includes menus, navigation and context sensitive regions. The GUI may be a Microsoft Windows application, which has a logo region.). Miller et al. and Flores et al. are analogous in that each is used to manage workflow processes. At the time of the invention, it would have been obvious to a person of ordinary skill in the art for the work management system of Miller et al. to incorporate typical windows-based features of a logo region, a menu region, including at least one menu item, a navigation region and a context sensitive area as taught by Flores et al. because such features are well-known in Windows-based applications and therefore, are familiar to most users familiar Windows-based applications, thereby providing a user-friendly interface that most users already know how to interact with.

As per claim 16, Miller et al. does not expressly disclose the method of claim 15, wherein the objects created in said creating step are based on user events generated by a user interacting with said menu region, navigation region and context sensitive area. Flores et al. discloses that objects are created based on user events generated by a user interacting with said menu region, navigation region and context sensitive area (col. 7, lines 64-66; col. 26, line 56-col. 27, line 2; col. 27, lines 5-7; A user clicks on an area within the GUI to generate an event.). Miller et al. and Flores et al. are analogous in that each is used to manage workflow processes. At the time of the invention, it would have been obvious to a person of ordinary skill in the art for the creation step of Miller et al. to create objects by interacting with said menu region, navigation region and context sensitive area as taught by Flores et al. because such features are well-known in Windows-based applications and therefore, are familiar to

most users familiar Windows-based applications, thereby providing a user-friendly interface that most users already know how to interact with.

As per claim 17, Miller et al. does not expressly disclose the method of claim 15, wherein said context sensitive area includes a hierarchical control object for showing and hiding a list of hierarchical objects. Flores et al. discloses wherein said context sensitive area includes a hierarchical control object for showing and hiding a list of hierarchical objects (col. 28, lines 1-3, where objects may be viewed by being expanded or collapsed; additionally, col. 7, lines 49-56; col. 27, lines 5-7, where the menu item contains a pull-down of sub-menu items, thereby showing and hiding hierarchical objects.). Miller et al. and Flores et al. are analogous in that each is used to manage workflow processes. At the time of the invention, it would have been obvious to a person of ordinary skill in the art for Miller et al. to include a hierarchical control object for showing and hiding a list of hierarchical objects because such a feature provides users with the ability to effectively manage the information that is displayed to them via the interface by enabling them to see what items they want to see and hide items they don't wish to see.

As per claim 18, Miller et al. discloses the method of claim 17, wherein said hierarchical objects comprise at least one department of said organization (col. 5, lines 6-19; col. 6, lines 52-65; col. 20, lines 24-28; col. 27, lines 28-40; col. 59, lines 34-53; Figure 11A; A user creates resources and tasks (i.e., activities) for a defined organization through templates. Upon receipt of the resource, task and organizational structure input, the system then automatically produces a plan for the organization. An

organization may be a department as the disclosure of the instant application defines a department as an entity that exists to perform a set of core functions.).

As per claim 19, Miller et al. discloses the method of claim 17, wherein said application further permits said user to create a plurality of objects related to groups, locations, and acuties, said set of objects further comprises said plurality of objects related to groups, locations, and acuties, and said hierarchical objects comprise at least one location of said organization (col. 20, lines 4-30; A user may create objects relating to roles, jobs, teams and organizational structures that identify the knowledge, skills and attributes relating to those objects as well as the relationship between those objects.).

As per claim 20, Miller et al. does not expressly disclose the method of claim 15, wherein said menu region comprise at least one of a menu item and a sub-menu. Flores et al. discloses wherein said menu region comprise at least one of a menu item and a sub-menu (col. 7, lines 49-56; col. 27, lines 5-7; The system contains a menu region similar to that of a Microsoft Windows application where the menu item contains a pull-down of sub-menu items.). Miller et al. and Flores et al. are analogous in that each is used to manage workflow processes. At the time of the invention, it would have been obvious to a person of ordinary skill in the art for the work management system of Miller et al. to incorporate a menu item and a sub-menu in its menu region because such features are well-known in Windows-based applications and therefore, are familiar to most users familiar Windows-based applications, thereby providing a user-friendly interface that most users already know how to interact with.

***Response to Arguments***

10. Applicant's arguments that Miller et al. (U.S. 7,035,809) does not disclose the newly added limitations of, said workflow process management application using said report to automatically generate subsequent worker assignments without further interaction with the user, have been addressed in the updated grounds of rejections above.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Srinivasan (U.S. 5,548,506) discusses a project/process management system that uses Microsoft Project to automatically generated/change tasks when parent tasks or critical paths are altered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 3623

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



C. Michelle Tarae  
Patent Examiner  
Art Unit 3623

October 30, 2006